

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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MARK ANTHONY HARDY,

Plaintiff,

Case No. 1:14-CV-992

v.

Hon. Robert J. Jonker

MICHIGAN DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

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**ORDER**  
**APPROVING AND ADOPTING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on September 7, 2016. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed September 7, 2016, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that

1. Defendants' Motion for Summary Judgment (ECF No. 30) is **GRANTED** as to all three defendants with respect to Plaintiff's Equal Protection claim involving the guitar pedal.
2. Defendants' Motion for Summary Judgment (ECF No. 30) is **GRANTED** as to Plaintiff's claims for injunctive relief.
3. Defendants' Motion for Summary Judgment (ECF No. 30) is **GRANTED** as to Plaintiff's claims for monetary damages against Defendants in their official capacities.
4. Defendants' Motion for Summary Judgment (ECF No. 30) is **GRANTED** as to Plaintiff's claims for mental and emotional injuries.
5. Defendants' Motion for Summary Judgment (ECF No. 30) is **GRANTED** as to

Defendants Warden Stoddard and RUM Lauer with respect to Plaintiff's Equal Protection claim involving the guitar case.

6. Defendants Warden Stoddard and RUM Lauer are **DISMISSED** from this action.
7. Defendants' Motion for Summary Judgment (ECF No. 30) is **DENIED** as to Defendant CO Almy with respect to Plaintiff's Equal Protection claim involving the guitar case. This action may proceed against CO Almy on this single claim.

Dated: September 27, 2016

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE